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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,354	07/31/2003	Ronald Regis Stephens	B-3757DIV3 621036-0	3972
36716	7590	06/14/2005	EXAMINER	
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			PHAN, DAO LINDA	
			ART UNIT	PAPER NUMBER

3662

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,354

Applicant(s)

STEPHENS, RONALD REGIS

Examiner

Dao L. Phan

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 58-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 73-81 is/are allowed.
- 6) ☐ Claim(s) 58-63, 67-72, 82-87 and 91-93 is/are rejected.
- 7) ☐ Claim(s) 64-66, 88-90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Copies of foreign patent documents and other documents cited on p. 3 and 4 dated July 31, 03 are requested for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 58-63, 67-72, 82-87, 91-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Ackerman (Pat. No. 6,246,500).

Ackerman teaches a communication method sequentially including dividing each of a plurality of optical carrier signals 12, 14, 15 into a plurality of intermediate signals, each optical carrier signal carrying all of a plurality of wavelength division multiplexed initial data signals, each intermediate signal carrying all of the multiplexed initial data signals over a predetermined wavelength range, separating 72 each intermediate signal into the respective data signals contained therein, and combining 80 corresponding data signals separate from the intermediate signals into their respective initial data signals.

4. Claims 58-63, 67-72, 82-87, 91-93 are rejected under 35 U.S.C. 102(b) as being anticipated by Goutzoulis et al (Pat. No. 5,751,242) or Lembo (Pat. No. 5,583,516).

Goutzoulis et al teach a communication method sequentially including dividing 38 each of a plurality of optical carrier signals into a plurality of intermediate signals, each

optical carrier signal carrying all of a plurality of wavelength division multiplexed initial data signals, each intermediate signal carrying all of the multiplexed initial data signals over a predetermined wavelength range, separating 44a, 44b each intermediate signal into the respective data signals contained therein, and combining 50 corresponding data signals separate from the intermediate signals into their respective initial data signals.

Lembo teaches a communication method sequentially including dividing (OPTICAL POWER SPLITTER) each of a plurality of optical carrier signals into a plurality of intermediate signals, each optical carrier signal carrying all of a plurality of wavelength division multiplexed initial data signals, each intermediate signal carrying all of the multiplexed initial data signals over a predetermined wavelength range, separating 314 each intermediate signal into the respective data signals contained therein, and combining (OPTICAL RECOMBINATION) corresponding data signals separate from the intermediate signals into their respective initial data signals.

5. Claims 64-66, 88-90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


6. Claims 73-81 are allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarcza Thomas can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAO PHAN
PATENT EXAMINER